

Bingham McCutchen LLP  
WALTER M. STELLA (SBN 148215)  
walter.stella@bingham.com  
BRYAN E. DALEY (SBN 227517)  
bryan.daley@bingham.com  
Three Embarcadero Center  
San Francisco, CA 94111-4067  
Telephone: 415.393.2000  
Facsimile: 415.393.2286

Attorneys for Defendants  
UBS Financial Services Inc. (also sued as UBS/Paine  
Webber) and UBS PartnerPlus Plan (erroneously sued as  
UBS/Paine Webber Partner's Plus)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Alva Gene Thaning,  
  
Plaintiff,  
  
v.  
  
UBS/Paine Webber, UBS/Paine Webber Partner's  
Plus, UBS Financial Services, Inc.,  
  
Defendants.

No. 07-5528 MJJ

**DECLARATION OF WALTER M.  
STELLA IN SUPPORT OF  
DEFENDANTS' MOTION TO  
COMPEL ARBITRATION AND  
STAY PROCEEDINGS**

Date: February 26, 2008  
Time: 9:30 a.m.  
Place: Courtroom 11, 19th Flr.  
Judge: Hon. Martin J. Jenkins

1 Walter M. Stella declares:

2 1. I am a member of the firm of Bingham McCutchen LLP, counsel of record  
3 for defendants UBS Financial Services Inc., (also sued as UBS/Paine Webber) and UBS  
4 PartnerPlus Plan (erroneously sued as UBS/Paine Webber Partner's Plus). I have personal  
5 knowledge of the facts set forth in this Declaration and would be competent to testify to them if  
6 called upon to do so.

7 2. In an attempt to avoid the necessity of filing this Motion, I contacted  
8 Plaintiff's counsel in late December and early January and requested that he stipulate to staying  
9 litigation of this action in favor of binding arbitration under the NASD Code of Arbitration for  
10 Industry Disputes. On January 4, 2008, Plaintiff's counsel advised me that he and his client were  
11 unwilling to agree to proceed with arbitration, and that this Court will need to make the  
12 determination.

13 I declare under penalty of perjury that the foregoing is true and correct.

14 Executed this 11th day of January, 2008 in San Francisco, California.

15  
16 /s/ Walter M. Stella

Walter M. Stella